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| 10/615,483      | 07/08/2003  | Jack I. J'maev       | JJ-038-US           | 8984             |

7590 05/31/2005

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EXAMINER

FISHER, MICHAEL J

ART UNIT PAPER NUMBER

3629

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/615,483

Applicant(s)

J'MAEV, JACK I.

Examiner

Michael J Fisher

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 3 and 11 are objected to because of the following informalities: In lines 4 and 5, respectively, the word "this" would appear to be meant to be 'that'. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, line 3, is the limitation, "... receiving a product identifier..." It is unclear if this is the same "product identifier" as claimed in parent claim 1, thus rendering the scope of the claims unclear and indefinite.

Note: For examination purposes, the examiner will assume it is the same "product identifier" as claimed in claim 1.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 4,6-10,12 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by US PAT 5,442,553 to Parrillo.

As to claim 1, Parrillo discloses receiving a product identifier (abstract, lines 1-4), issuing a notice to a product according to the product identifier (abstract, lines 4-6).

As to claim 9, Parrillo discloses a product notice server (col 5, lines 31-33), a signal command (for sending the signal), signal transmitter (17, as best seen in fig 2).

As to claims 2 and 10, a record is created (col 5, lines 31-46).

As to claim 3, Parrillo discloses adding the type of notice to the record (col 5, lines 31-35).

As to claim 4, as best understood, Parrillo discloses using a wide area network (cellphone network) and receiving a product identifier (abstract lines 1-4).

As to claims 6 and 14, Parrillo discloses retrieving a channel record from a product channel table (the channel is the cellphone number, col 3, lines 40-46), it would be inherent to have a "product channel table" as the system is shown to have more than one automobile (abstract, lines 6-9), forming a signal command according to the record (the signal command being to call that cell phone number) and it would further be inherent to direct the signal command to the signal transmitter as the signal is transmitted to a particular cell phone.

As to claims 7 and 15, Parrillo further discloses retrieving a notice record from a notice type table (col 5, lines 31-35), obtaining an alphanumeric message from the notice record ('alpha' being the written problem, 'numeric' being the number of times the

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problem has happened, as discussed in col 5, lines 31-40), the alpha-numeric message would be included in the signal command (col 5, lines 40-42).

As to claims 8,12 and 16, Parrillo discloses using a wide area network to send and receive signals (cellphone network), the interface being the transmitter (fig 2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5,11 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Parrillo.

As to claims 5 and 13, Parrillo does not, however, teach using the Internet. It is very well known in the art for cell phones to have Internet capacity. Therefore, it would have been obvious to one of ordinary skill in the art to modify the system as disclosed

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by Parrillo by adding a web site with the information to make the information more readily available to the users of the system.

As to claim 11, Parrillo discloses adding a record to a table (col 5, lines 31-35), recording the type of notice (col 5, lines 31-35), the product identifier associated with the product (col 5, lines 36-37), and further a digital product identifier (this would be inherent in that the information is stored in a computer and computers read digital data). It is inherent in computers that they record the date and time of events, such as sent or received messages or the creation of a file. Further, Parrillo discloses that it is important to record events to predict future problems (col 5, lines 31-46). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Parrillo by recording the dates of the events so that they could be more easily diagnosed. For instance, if an event happens very often it would be more serious than if it happened less often and therefore, it would be advantageous to record the date of the events to check their regularity.

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US PAT 6,754,485 to Obradovich et al. disclose a technique for providing maintenance information to vehicles (title) via a network (fig 2), US PAT 6,611,201 to Bishop et al. teach a monitoring vehicle features and functions (title), US PAT 6,114,970 to Kirson et al. disclose a method of tracking a vehicle's operations (fig 1) that assigns a unique identifier to the vehicle (title).

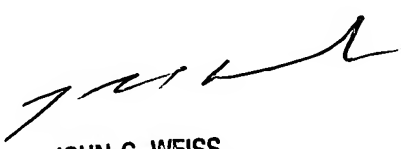
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF   
5/25/05

  
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